

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

vs.

CASE NO. 3:20-cr-20-J-20JBT

YAMAIRA GUTIERREZ-ORTIZ

REPORT AND RECOMMENDATION¹

Through a Superseding Petition for Warrant or Summons for Offender Under Supervised Release (Doc. 19; "Superseding Petition"), dated July 24, 2020, the United States Probation Office ("USPO") alleged that Defendant violated the conditions of her supervised release on eight occasions. The presiding district judge referred the matter to the undersigned for a report and recommendation on Defendant's plea to the alleged violations. (Doc. 38.)

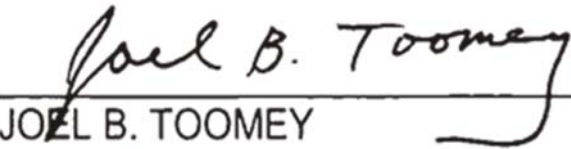
Defendant thereafter appeared before the undersigned and admitted the allegations contained in paragraphs 1, 3, 5 and 7 of the Superseding Petition. The Government moved to dismiss paragraphs 2, 4, 6 and 8. The allegations admitted are:

1. New conviction for conduct, Petit Theft First Degree \$100 to Less than \$750, occurring on June 19, 2020.
3. New criminal conduct, No Valid Driver's Licence, occurring on May 26, 2019.
5. Failure to Report to the USPO on December 11, 2019.
7. Failure to Report to the USPO on October 22, 2019.

¹ Both parties agreed to waive the 14-day objection period. See Fed. R. Crim. P. 59(b)(2).

After examining Defendant under oath, the undersigned accepted her admissions, finding she had made them knowingly, intelligently, and voluntarily. The undersigned therefore **RECOMMENDS** that Defendant's admissions to paragraphs 1, 3, 5 and 7 of the Superseding Petition be accepted, and that paragraphs 2, 4, 6 and 8 of the Superseding Petition be dismissed.

DONE and ORDERED in Jacksonville, Florida on this 3rd day of December, 2020.


JOEL B. TOOMEY
United States Magistrate Judge

Copies to:
Honorable Harvey E. Schlesinger
Senior United States District Judge

Assistant United States Attorney (Talbot)
Assistant Federal Public Defender (Yazgi)
United States Probation Office
United States Pretrial Services